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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,159	10/28/1998	WINFRIED DECKELMANN	PHD-97.138	9566

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EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,159

Applicant(s)

DECKELMANN ET AL.

Examiner

Chante Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communication: Request for Reconsideration filed on 8/21/03.
2. Claims 1-19 are pending in this application. Claims 1 and 11 are independent claims. Claims 1-8 are amended and claims 9-19 are newly added.

Drawings

Examiner notes Applicant's amended drawings are acceptable, however they fail to adhere to the requirements for replacement drawing sheets.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

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Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Each of the independent claims 1 and 11 recite an arrangement of hardware components and video computers to facilitate real time processing without specifically identifying a tangible result, such as the display of output from the processing of video signals. Thus, the claim language of claims 1 to 19 do not present a practical application by physical transformation or production of a useful, concrete and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel Beaulier et al., U.S. Patent 5,162,904, 11/1992.

As per independent claim 1, Beaulier discloses video hardware components implemented for a dedicated purpose and exclusively usable for said dedicated purpose (e.g. ME units "20" and "22") (col. 14, ll. 25-35) (FIG. 1 & 2 "20-24"), video computers (Fig. 14, "110 & 170") each being non-dedicated to a specific purpose and capable of performing a plurality of functions that are dynamically changeable independent of one another, depending on a current need to be filled by the video computers (i.e. each computer controls a processor for executing independent functions, e.g. floating point processing, video signal processing) (col. 13, ll. 45-55; col. 4-5, ll. 62-10) (FIG. 19d), a control panel (Fig. 14 "14") for assigning tasks to the video computer (col. 5, ll. 4-12, 25-35; FIG. 22 '19b'), the hardware implemented for uses that are computer intensive and/or require a large bandwidth (col. 4, ll. 27-32), video computers processing in real time (col. 13, ll. 50-55; col. 22, ll. 28-33).
Beaulier fails to disclose a control circuit.

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It would have been obvious to one of skill in the art at the time of invention to include a control circuit with the method of Beaulier because Beaulier teaches a control panel included in circuitry for controlling a video switching apparatus (Fig. 2).

One of skill in the art would have been motivated to include a control circuit with the method of Beaulier for the benefit of timely controlling the processing of video signals.

As per dependent claims 2 and 12, Beaulier discloses the hardware implemented as video mixer stages or video crossbars (FIG. 21A & B).

As per dependent claims 3 and 13, Beaulier discloses the video computer functions activated by software (col. 13, l. 32-36).

As per dependent claims 4 and 14, Beaulier discloses software for chromakey or lumakey or trick effects (col. 14, ll. 45-60; col. 18, ll. 52-56).

As per dependent claims 5 and 15, Beaulier discloses the hardware components and the computers are coupled by a wideband bus system (FIG. 1 '12'; col. 14, ll. 40-43).

As per dependent claims 6, 9, 16 and 18, Beaulier discloses the hardware and the computers are coupled by a video crossbar (col. 22, ll. 25-33).

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As per dependent claims 7 and 17, Beaulier discloses processors (col. 14, ll. 34-40; col. 22, ll. 33-39).

As per dependent claim 8, Beaulier discloses two arrangements for processing one or more video signals (col. 20, ll. 5-52), the video data are exchangeable between processing arrangements (col. 20, ll. 24-52) and at least one of the arrangements has a computer (FIG. 14).

As per dependent claims 10 and 19, Beaulier discloses the video computers are loadable with software provided for trick effects (FIG. 21A & B).

As per independent claim 11, Beaulier discloses a first arrangement (i.e. a control panel connected to computers having processors for implementing hardware specific operations) (Fig. 1 "14a-c" connected to "16"; Fig. 2; col. 14, ll. 30-40; Fig. 14) and a second arrangement (i.e. a control panel connected to computers having processors for implementing hardware specific operations) (Fig. 1 "14d-f" connected to "16"; Fig. 2; col. 14, ll. 30-40; Fig. 14), wherein each includes the arrangement as claimed in claim 1 (Fig. 2 "20-24"; Fig. 14 "14", "110" & "170"), and wherein any of said video computers included in one of said first arrangement and said second arrangement for processing video signal, on an as-needed basis, so as to minimize an overall number of video computers included in any one of said first arrangement and said second arrangement (i.e. a plurality of control panels interfaced with a plurality of video processors through a

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single system chassis) (col. 14, ll. 35-40). The rationale as applied in the rejection of claim 1 applies herein.

Beaulier fails to disclose said first and second arrangements may be dynamically assignable for use by said other one of said first arrangement and said second arrangement.

It would have been obvious to one of skill in the art to include first and second arrangements may be dynamically assignable for use by said other one of said first arrangement and said second arrangement with the method of Beaulier because Beaulier teaches the video processing system is networked, where a networked system is one in which system components are connected by communication lines over which they share information.

One of skill in the art would have been motivated to include first and second arrangements may be dynamically assignable for use by said other one of said first arrangement and said second arrangement with the method of Beaulier for the benefit of using a networked system capable of minimizing system components while processing data.

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant traverses the 35 USC 112 rejection.

In response, Examiner withdraws the rejection on the basis of Applicant's arguments.

Applicant traverses the 35 USC 101 rejection of the claims as being directed to non-statutory subject matter.

In response, Examiner maintains the 35 USC 101 rejection because the claims fail to include language identifying a tangible result by physical transformation, per se.

Applicant argues (p. 11) Beaulier fails to disclose a control circuit that assigns tasks to a computer.

In response, Examiner interprets Beaulier as disclosing a control circuit as he teaches a control panel included in circuitry for controlling a video switching apparatus. Additionally, Beaulier discloses the assignment of tasks to a computer as he teaches the control panel connected to and providing input parameters to computers having processors for implementing hardware specific operations. Therefore, Beaulier teaches a control circuit that assigns tasks to a computer.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday, Tuesday and Wednesday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chante Harrison
Examiner
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Ch
October 23, 2006

A handwritten signature in black ink, appearing to read "Chante Harrison", is written over the printed name.